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App. No. 10/536,590
Office Action Dated February 8, 2007

REMARKS

Favorable reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 1 and 3 have been amended. The limitation in claim 1 concerning the reinforcing material being at least one of a warp knitted fabric and a twin knit is supported for example by previous claim 10 and page 6, lines 9-10 and 22-23 and page 7, lines 2-3. Claim 3 has been amended editorially. Claims 6-10 have been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-5 and 11-28 are pending.

Claim rejections - 35 U.S.C. § 103

Claims 1-9, 11-14, 17-26 and 28 have been rejected under 35 U.S.C. 103(a) as obvious over EP 1 022 031 (Matsuda) in view of WO 97/07833 (Pressato). The rejection is rendered moot, as claim 10, whose limitations are now present in claims 1-5, 11-14, 17-26 and 28, was not rejected. Applicants do not concede the correctness of the rejection.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Pressato, and further in view of U.S. Patent No. 6599323 (Melican). Applicants respectfully traverse this rejection.

Claim 1 is directed to a medical film comprising a gelatin film and a reinforcing material. Claim 1 requires the reinforcing material to be at least one of a warp knitted fabric and a twin knit. Claim 1 further requires the reinforcing material and the gelatin film to be integrated with each other. By providing a medical film as required by claim 1, the yarn threading tension and tensile strength of the film can be enhanced without causing the yarn of the warp knitted fabric to be raveled out (page 39, lines 4-7).

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The effects of claim 1 are demonstrated in Example 2 of the specification. Briefly, either a twin knit or a warp knitted fabric was prepared using a lactic acid-caprolactone copolymer multifilament yarn (page 33, line 15 to page 34, line 21). Then, the reinforcing material samples were subjected to vacuum heat treatment and a plasma treatment, followed by impregnation with gelatin solution (page 33, line 23 to page 34, line 3). The samples were then subjected to air drying so as to obtain a complex composed of reinforcing material and gelatin film integrated with each other (Id.). The strength of the complex films then was determined. As shown in Tables 1 and 2, each complex of Example 2 exhibited tensile strength and yard threading tension that were considerably superior to those films that were prepared without a fabric body (compare Comparative Example 1 in Table 1 with Example 2 in Table 2). In fact, when warp knitted fabric was used, the tensile strength and yard threading tension improved by up to 25 and 18 times, respectively (compare Warp knitted fabric 2-3 and 2-4 in Table 2 with Comparative Example 1 in Table 1). These results clearly indicate that by integrating a reinforcing material with a gelatin film, the strength of the film can be significantly improved, especially when a warp knitted fabric or a twin knit is used (page 39, lines 20-25).

The rejection relies on Pressato and Melican for a medical film with reinforcing material and gelatin film, where the reinforcing material is at least one of a warp knitted fabric and a twin knit. Pressato and Melican do not cure the deficiencies of Matsuda. More specifically, the rejection contends that Melican shows in Figure 6 that the art of bioabsorbable medical devices had been known to provide knit mesh materials as reinforcements for such materials, and as such, it would have been obvious to have provided a knit as the reinforcement desired by Matsuda and Pressato. However, although Pressato

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teaches that gels based on cross-linked hyaluronic acid and polypropylene can be used in association with membranes, woven tissues or meshes and nonwoven tissues, the reference also notes that the materials can be used singly (page 6, line 28), thereby teaching away from limiting the composition to reinforcing material and gelatin film that are integrated with each other so as to enjoy the enhanced effects of claim 1. Furthermore, although Melican discloses warp knitted and knitted structures as reinforcing components, Melican also notes that any absorbable or non-absorbable biocompatible material can be used as the reinforcing component of the tissue implant (col. 6, lines 52-54), thereby representing nothing more than invitation to experiment. Therefore, claim 1 and the dependent claims therefrom are patentable over the references, taken together or separately.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Pressato, and further in view of U.S. Patent No. 5854381 (Jurgens). Applicants respectfully traverse this rejection.

Matsuda and Pressato have been distinguished above. Claim 16 depends from and further limits claim 1. Therefore, claim 16 is patentable over the references for at least the same reasons as claim 1.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Pressato, and further in view of U.S. Patent No. 4374063 (Consolazio). Applicants respectfully traverse this rejection.

Matsuda and Pressato have been distinguished above. Claim 27 depends from and further limits claim 1. Therefore, claim 27 is patentable over the references for at least the same reasons as claim 1.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

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Double Patenting

Claims 1-28 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-4, 6-10 and 12-24 of copending Application No. 10/480,744. The rejection is rendered moot, as Applicants submit herewith a Terminal Disclaimer to overcome the rejection. Applicants, however, do not concede the correctness of the rejection, and reserve the right to submit arguments with respect to any of the rejected claims at a later time.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the attorney-of-record, Douglas P. Mueller, Reg. No. 30,300, at (612) 455.3804.

Respectfully Submitted,

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